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February 8, 2024

BY ECF

The Honorable Lorna G. Schofield
United States District Court for the Southern District of New York
40 Foley Square
New York, New York 10007

Re: Larimer v. Lehman College - CUNY, et al., 23-CV-10447 (LGS-KHP)

Dear Judge Schofield:

We represent plaintiff Amy Larimer in this case and write to request that the Court stay this case until the U.S. Equal Employment Opportunity Commission issues Ms. Larimer her notice of right to sue (“NRTS”), so that she can file an amended complaint to include gender discrimination claims under Title VII of the Civil Rights Act of 1964. Defendant’s counsel, Mark Ferguson, consents to this request for a stay.

On behalf of Ms. Larimer, we filed a request with the EEOC on January 25, 2024 to issue her a NRTS. I followed up with the EEOC about that request yesterday, but still have not received any communication from the EEOC about this request. Because a NRTS is a statutory precondition to filing a claim with this Court under Title VII, we are unable to file an amended complaint by February 9, as the Court’s January 30, 2024 Order requires. (Dkt. No. 11.) We respectfully submit that the Court should stay this case until after the EEOC issues the NRTS, as this will be the most efficient manner to continue to litigate this case. *Woods v Dunlop Tire Corp.*, 972 F2d 36, 41 (2d Cir 1992) (“We are of the firm opinion that a district court faced with a stay request in this type of situation – where a Title VII plaintiff is seeking to defer further proceedings in non-Title VII causes of action while pursuing Title VII administrative remedies – should grant the stay absent a compelling reason to the contrary.”). We will continue to follow-up with the EEOC and notify the Court as soon as the EEOC issues the NRTS to Ms. Larimer. We then expect to file an amended Complaint within five business days of receiving the NRTS, as we have no interest in delaying this case. Defendant will then have thirty days to respond to the amended complaint.

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We thank Your Honor for her consideration of this request.

Respectfully submitted,

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cc: Mark Ferguson, Esq. (By ECF)